

1 THERESE M. LAWLESS (CA Bar # 127341)\*  
EMILY S. McGRATH (CA Bar # 289624)\*  
2 SINCLAIRE M. PARER (CA Bar # 346148)\*  
**LAWLESS, LAWLESS & McGRATH**  
3 354 Pine Street, Fourth Floor  
San Francisco, CA 94104  
4 Telephone: (415) 391-7555  
Facsimile: (415) 391-4228  
5 [tlawless@lawlesssf.com](mailto:tlawless@lawlesssf.com)  
[emcgrath@lawlesssf.com](mailto:emcgrath@lawlesssf.com)  
6 [sparer@lawlesssf.com](mailto:sparer@lawlesssf.com)

7 \*pro hac vice application forthcoming

8 *Attorneys for Plaintiffs*  
JANE DOE ONE, JANE DOE TWO,  
9 JANE DOE THREE, JANE DOE FOUR  
and JANE DOE FIVE

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF MINNESOTA

12 JANE DOE ONE, JANE DOE TWO,  
JANE DOE THREE, JANE DOE FOUR  
13 and JANE DOE FIVE

14 Plaintiff,

15 vs.

16 THE NATURE CONSERVANCY,  
DOUGLAS SHAW, and DOES 1 through  
17 30, inclusive,

18 Defendants.

Case No. 24-cv-01570

JUDGE

PLAINTIFFS' MOTION TO FILE  
COMPLAINT UNDER PSEUDONYM AND  
SEAL THE COMPLAINT

19  
20 This Motion is made pursuant to the Court's inherent authority, Rule 5.2(d) and (2)  
21 of the Federal Rules of Civil Procedure, and Local Rule 5.6, subdivisions (d) and (e), and is  
22 based upon the motion below and, if requested by the Court, arguments of counsel are to be  
23 presented at a hearing at a date and time to be determined by the Court.

1 Plaintiffs bring this Motion to request that the Court permit Plaintiffs to file the  
2 Complaint under a pseudonym and seal the unredacted Complaint in this matter because the  
3 Complaint contains confidential and sensitive information about Plaintiffs and other  
4 individuals who are not parties to this action. Disclosure of such information could threaten  
5 the reputations, livelihoods, and safety of Plaintiffs and their family members. Therefore,  
6 there is good cause to file the Complaint under seal. Plaintiffs have redacted only the portions  
7 of the Complaint that include confidential and sensitive information (i.e. only names),  
8 thereby preserving the competing interest of the public's right of access.

9 Plaintiffs further request leave to proceed pseudonymously in order to protect  
10 Plaintiffs and others who are not parties to this action from significant harm that could result  
11 from revealing their identity to the public, as described further in the Complaint. "Though  
12 neither the Supreme Court nor the Eighth Circuit have directly addressed pseudonymous  
13 litigation, both courts have allowed parties to use pseudonyms." *Doe v. Innovate Fin., Inc.*,  
14 No. CV 21-1754 (JRT/TNL), 2022 WL 673582, at \*3 (D. Minn. Mar. 7, 2022). Specifically,  
15 a plaintiff may proceed under a pseudonym if "(1) they are challenging a governmental  
16 activity; (2) prosecution of the suit would compel plaintiff to disclose information of the  
17 utmost intimacy; or (3) plaintiff would be compelled to admit their intention to engage in  
18 illegal conduct and risk prosecution" *Id.*

19 "The Court can look to a variety of factors such as: (1) whether the  
20 litigation involves matters that are highly sensitive and of a personal matter;  
21 (2) whether identification presents other harms and the likely severity of  
22 those harms, including whether the injury being litigated against would be  
23 incurred as a result of disclosure; (3) whether the defendant is prejudiced; (4)  
whether the plaintiff's identity has thus far been kept confidential; (5)  
whether the public's interest in the litigation is furthered by requiring the  
plaintiff to disclose their identity; and (6) whether there are alternative  
mechanisms to protecting the confidentiality of plaintiff."

1 *Id.* (citing *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189–90 (2d Cir. 2008).)

2 Here, as set forth in the Complaint, prosecution of Plaintiffs’ suit will compel them to  
 3 disclose information of the “utmost intimacy” that is “highly sensitive.” In this case,  
 4 Defendant Douglas Shaw published numerous images of Plaintiffs, or images he falsely  
 5 claimed were of Plaintiffs, on his social media accounts without their consent. These images  
 6 and the accompanying comments objectified and sexualized Plaintiffs. The images at issue  
 7 include, but are not limited to, an image of one of the Plaintiffs with what appears to be  
 8 ejaculate on her face, several images of many of the Plaintiffs’ body parts (cleavage,  
 9 buttocks) with sexual commentary, an image of a pregnant woman masturbating whom he  
 10 falsely claimed was one of the Plaintiffs, false captions suggesting Plaintiffs had sex with  
 11 one another or others, and other images and comments sexualizing Plaintiffs. *See e.g.*  
 12 Compl. ¶¶ 32-34. This court has allowed parties whose alleged sexual activities are at the  
 13 heart of the litigation to file under pseudonyms. *See Doe v. Univ. of St. Thomas*, No. 16-CV-  
 14 1127-ADM-KMM, 2016 WL 9307609, at \*2 (D. Minn. May 25, 2016) (allowing the  
 15 plaintiff to file under a pseudonym in a case regarding “very private sexual acts, whether  
 16 consensual or not, between two young college students”); *Doe v. Innovate Fin., Inc.*, No. CV  
 17 21-1754 (JRT/TNL), 2022 WL 673582, at \*3 (D. Minn. Mar. 7, 2022) (allowing the plaintiff  
 18 to file under a pseudonym where the “Complaint describes incredibly private sexual acts,  
 19 and it is certain that exploration of these intimate matters will be central to the resolution of  
 20 this case.”)

21 The present case involves false statements about Plaintiffs engaging in sexual acts,  
 22 images that were altered to look like Plaintiffs were engaging in sexual acts, and comments  
 23 where Douglas Shaw incited sexual discussions regarding Plaintiffs. *See e.g.* Compl. ¶¶ 32-

1 34. The subject matter of this litigation could subject Plaintiffs to harmful professional and  
2 personal ramifications. Plaintiffs' claims and any affirmative defenses raised by Defendants  
3 may require the Court to examine the authenticity of the images and the false comments  
4 about Plaintiffs sexual activities. Additionally, there were images and comments made about  
5 some Plaintiffs' families, including in some instances, a minor child. Thus, the resolution of  
6 this matter will not only address Plaintiffs themselves, but also third parties and minors who  
7 are not involved in the litigation.

8 Moreover, Plaintiffs will be subject to the same reputational harms should their names  
9 be public. In *Doe v. Univ. of St. Thomas*, No. 16-CV-1127-ADM-KMM, 2016 WL 9307609,  
10 at \*2 (D. Minn. May 25, 2016), this Court allowed Plaintiff to proceed under a pseudonym,  
11 in part, because his injuries included "damage done to his reputation and future prospects"  
12 at the hand of Defendants. *See also Doe v. Innovate Fin., Inc.*, No. CV 21-1754 (JRT/TNL),  
13 2022 WL 673582, at \*3 (D. Minn. Mar. 7, 2022) ("Doe's identity would result in further loss  
14 of reputation—simply having her name associated with this case could tarnish her  
15 professional reputation"). Likewise, here, Plaintiffs suffered due to the publication of false  
16 statements about them as well as real and false images of them. These images had personal  
17 and professional repercussions for them. Thus, by requiring Plaintiff's to use their true  
18 identities, they would face further irreversible harm.

19 Finally, Defendants and the public have not and will not suffer prejudice if Plaintiffs  
20 are permitted to proceed with a pseudonym because Plaintiffs' names are contained in the  
21 unredacted version of the Complaint that has been filed under seal and is accessible to  
22 Defendants. *Doe v. Tsai*, No. CV 08-1198-DWF/AJB, 2008 WL 11462908, at \*4 (D. Minn.  
23 July 23, 2008) (granting motion to proceed with pseudonyms and discussing that

“Defendants know the identities of all their accusers, and shielding the child-Plaintiffs’ identities from the public record will not prejudice their case”); *See also Doe v. Innovate Fin., Inc.*, No. CV 21-1754 (JRT/TNL), 2022 WL 673582, at \*4 (D. Minn. Mar. 7, 2022) (discussing how “Defendants would not be prejudiced by allowing Doe to use a pseudonym as they already know her real identity and there would be no burden on discovery.”)

Thus, the serious and irreparable risk of harm to Plaintiffs and their family members from public disclosure of their names outweighs any public interest. Plaintiffs therefore respectfully request the Court grant Plaintiffs’ motion to file the Complaint under seal and proceed under pseudonyms.

Dated: April 30, 2024

By: /s/ Therese Lawless

THERESE M. LAWLESS (CA Bar # 127341)\*  
 EMILY S. McGRATH (CA Bar # 289624)\*  
 SINCLAIRE M. PARER (CA Bar # 346148)\*  
**LAWLESS, LAWLESS & McGRATH**  
 354 Pine Street, Fourth Floor  
 San Francisco, CA 94104  
 Telephone: (415) 391-7555  
 Facsimile: (415) 391-4228  
[tlawless@lawlesssf.com](mailto:tlawless@lawlesssf.com)  
[emcgrath@lawlesssf.com](mailto:emcgrath@lawlesssf.com)  
[sparer@lawlesssf.com](mailto:sparer@lawlesssf.com)

*\*pro hac vice application forthcoming  
 Attorneys for Plaintiffs*

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**LOCAL COUNSEL:**

1 Dated: April 30, 2024

By: /s/ Christopher Moreland

2 Christopher Moreland (MN Bar # 0278142)  
3 Amy Boyle (MN Bar #0392635)  
4 MSB Employment Justice LLP  
5 6400 Flying Cloud Dr. Ste. 215  
6 Minneapolis, MN 55344  
7 Telephone: 612-677-2352  
8 cmoreland@MSBJUSTICE.COM  
9 aboyle@MSBJUSTICE.COM  
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